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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,606	11/24/1999	JEAN-PIERRE BONICEL	Q56881	5230

7590

05/02/2003

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WASHINGTON, DC 200373213

EXAMINER
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NGUYEN, CHAU N

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 05/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

09/448,606

Applicant(s)

BONICEL, JEAN-PIERRE

Examin r

Chau N Nguyen

Art Unit

2831

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,10-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-5,7-9 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Withdrawal of Finality***

1. The finality from the last Office Action is hereby withdrawn in view of the newly discovered references to Wada et al. (JP2-284777) and Matsushima et al. (JP60-255923). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roe et al. in view of Matsushima et al.

Roe et al. discloses a telecommunications or power cable that is structurally reinforced by incorporating armoring having one layer of wires (15) wherein the layer of wires includes steel wires (claims 1&6) and does not carry electricity.

Roe et al. does not disclose each of the steel wires being covered in a layer of stainless steel (claims 1,2,6&10). Matsushima et al. discloses a composite wire

comprising a stainless steel-coated steel wire which has excellent corrosion resistance and strength. It would have been obvious to one skilled in the art to use stainless-coated steel wire as taught by Matsushima et al. for the steel wires (15) of Roe et al. since the wire taught by Matsushima et al. has excellent corrosion resistance and strength.

Re claims 11 and 12, the modified Roe et al. cable discloses that the stainless steel of each composite wire directly contacts the core of steel so as to form a two layered structure.

4. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazato et al. in view of Wada et al.

Okazato et al. discloses a telecommunications cable that is structurally reinforced with armoring, the armoring being a tube (1) that forms a concentric layer of the cable, the tube having a steel core. Okazato et al. does not disclose the tube having a layer of stainless steel covering the steel core. Wada et al. discloses a composite product comprising steel as a base material and stainless steel as a cladding material. It would have been obvious to one skilled in the art to modify the steel tube of Okazato et al. by covering (or cladding) the steel core with a layer

of stainless steel as taught by Wada et al. to provide the tube with a good corrosion resistance as taught by Wada et al.

Re claim 15, the modified Okazato et al. cable discloses the steel core being directly contact the stainless steel layer.

***Allowable Subject Matter***

1. Claims 3-5, 7-9 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a telecommunications or power transport cable comprising all features as recited in the claims and in combination with each of the wires being made of composite steel wire which is made from a tube of stainless steel filled with ground steel particles that are compressed under high pressure within the tube, then placed in a furnace, heated, and drawn to a desired section (re claim 3, 7 and 14), and with a tube that forms a concentric layer of the cable is provided, wherein the tube is obtained from a sheet made of composite steel having a steel core of a standard type covered in a layer of stainless steel (re claims 4 and 8).

***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 6 and 13 have been considered but are moot in view of the new ground(s) of rejection.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N Nguyen whose telephone number is 308-0693. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308 3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Application/Control Number: 09/448,606  
Art Unit: 2831

Page 6

A handwritten signature in cursive script, reading "Chau N Nguyen".

Chau N Nguyen  
Primary Examiner  
Art Unit 2831

CN  
April 22, 2003